



OFFICE OF THE SECRETARY OF DEFENSE 1950 DEFENSE PENTAGON WASHINGTON, DC 20301-1950



18 JUN 1998

Mr. Donald Arbuckle
Acting Administrator, Office of Information
and Regulatory Affairs
Office of Management and Budget
ATTN: Docket Library
NEOB, Room 10012
Washington, D.C. 20503

Dear Mr. Arbuckle:

Pursuant to paragraphs 4.a. and 4.b. of Appendix I to OMB Circular A-130, "Federal Agency Responsibilities for Maintaining Records about Individuals," dated 8 February 1996, the Department of Defense herewith transmits its Biennial Privacy Act Report and Biennial Matching Activity Report for Calendar Years 1996 and 1997.

A copy of the Matching Activity Report has been furnished to the Secretary of Defense as the head of the Agency. Copies will be made available to any member of the public upon request.

Any inquiries or comments regarding the subject reports should be addressed to the Acting Director, Defense Privacy Office, 1941 Jefferson Davis Highway, Room 920, Arlington, Virginia 22202-4502/Telephone number: (703) 607-2943/E-mail: vahan.moushegian@osd.pentagon.mil/FAX: (703) 607-2951.

Sincerely,

D.O. Cooke Director

Enclosures: As Stated

DEPARTMENT OF DEFENSE Biennial Privacy Act Report For Calendar Years 1996 and 1997

1. Name and postal address of reporting agency:

Department of Defense Office of the Secretary Washington, DC 20301-1950

2. Name, telephone number, and electronic mail address of agency official who can best answer questions about this report:

Jody Sinkler
Telephone (703) 607-2943
E-mail Jody.Sinkler@osd.pentagon.mil

3. Name, postal address, and electronic mail address of senior official responsible for agency's Privacy Act implementation:

D. O. Cooke
Director for Administration and Management
Office of the Secretary of Defense
1950 Defense Pentagon
Washington, DC 20301-1950
Telephone (703) 695-4436

4. Name, postal address, electronic mail address, and telephone number of agency Privacy Act Officer:

Vahan Moushegian, Jr.
Acting Director, Defense Privacy Office
1941 Jefferson Davis Highway, Suite 920
Arlington, VA 22202-4502
Telephone (703) 607-2943
E-mail Vahan.Moushegian@osd.pentagon.mil

ITEM 5	SYSTEMS OF RECORDS INVENTORY	1996	¥1997 -
1	Total number of nonexempt systems of records	1,084	1,086
2	Total number of exempt systems of records	126	127
3	Number of new nonexempt systems of records added	6	9
4	Number of new exempt systems of records added	0	1
5	Number of routine uses added	2	13
6	Number of exemptions added to existing systems	0	2
7	Number of exemptions deleted from existing systems	0	3
8	Total number of automated systems of records (exempt/nonexempt)	596	604

6. A brief narrative describing additions of exemptions, routine uses, or systems of records.

Exemptions:

Added (k) (1) exemption to DUSDP 11, POW/Missing Personnel Office Files. The exemption will prevent disclosure of information specifically authorized to be classified under E.O. 12958, as implemented by DoD 5200.1 R. (1996)

Added (k)(2) and (j)(2) exemptions to F111 A JA B, Courts-Martial and Article 15 Records. The exemptions will prevent disclosure of documents received or prepared in anticipation of judicial and non-judicial proceedings under the Uniform Code of Military Justice. (1997)

Routine uses:

Added a routine use to A0040-66bDASG, Health Care and Medical Treatment Record System, to permit disclosure to former DoD health care providers, who have been identified as being the subjects of potential reports to the National Practitioner Data Bank as a result of a payment having been made on their behalf by the U.S. Government in response to a malpractice claim or litigation, for purposes of providing the provider an opportunity, consistent with the requirements of DoD Instruction 6025.15 and AR 40-68, to provide any pertinent information and to comment on expert opinions, relating to the claim for which payment has been made. (1997)

Added a routine use to AAFES 0702.23, Dishonored Check Files, to permit disclosure to private contractors for the purpose of collection services to recover moneys owed to the U.S. Government. (1997)

Added a routine use to AAFES 0702.34, Accounts Receivable Files, to permit disclosure to the Department of the Treasury, Financial Management Service, to enable collection of delinquent debts owed to the U.S. Government via administrative offset. (1997)

Added a routine use to A0040-57a DASG, Armed Forces Repository of Specimen Samples for the Identification of Remains, to permit disclosure to proper authority, as compelled by other applicable law. (1997)

Added two routine uses to S322.10 DMDC, Defense Manpower Data Center Data Base, one to allow the release of information to facilitate the enforcement of child support owed by delinquent obligors within the entire civilian Federal government and the Uniformed Services work force (active and retired); the second will allow research studies concerned with the health and well being of the active duty and veteran population. (1996)

Added two routine uses to DHA 05, Persian Gulf Veterans Illnesses Files, one to permit disclosure to the Presidential Advisory Committee on Gulf War Veterans' Illnesses for purposes of carrying out those functions as set forth in Executive Orders 12961 and 13034 or such further Order as directed by the President, and the second to the Department of Veterans Affairs for use, in conjunction with the Persian Gulf Health Registry, to permit investigative, scientific, medical and other analysis regarding possible causes, symptoms, diagnoses, treatment, and other characteristics pertinent to Gulf War Illnesses. (1997)

Added a routine use to F044 AF SG K, Medical Professional Staffing Records, to permit the disclosure of records concerning civilian consultants or contractors who engage in direct patient care may be released to civilian organizations employing said civilian consultants or contractors providing direct patient care to eligible beneficiaries if such records are necessary to evaluate the civilian consultant or contractor in accordance with 10 U.S.C. 1102(c)(E). (1997)

Added two routine uses to N05520-5, Personnel Security Program Management Records System, one to permit disclosure to the White House to obtain approval of the President of the United States regarding certain military personnel officer actions as provided for in DoD Instruction 1320.4; the second to the Immigration and Naturalization Service for use in alien admission and naturalization inquiries for purposes of determining access to National Security information. (1997)

Added a routine use to N01640-1, Individual Correctional Records, to permit notification to the victims and witnesses of crime of date of parole or clemency hearing and other release related activities. (1997)

Added a routine use to N01070-3, Navy Personnel Records System, to permit the disclosure of personnel information to governmental entities or private organizations under government contract to perform random analytical research into specific aspects of military personnel management and administrative procedures. (1997)

Added a routine use to S180.10 CA, Congressional, Executive, and Political Inquiry Records, to permit disclosure to Federal and local government agencies having cognizance over or authority to act on the issues involved. (1997)

Added a routine use to S322.10 DMDC, Defense Manpower Data Center Data Base, to permit disclosure to the Educational Testing Service, American College Testing, and like organizations for purposes of obtaining non-attributable personal data for use in analytical personnel studies of the DoD civilian and military workforce. (1997)

Systems of records:

Nonexempt:

F036 AFMC D, Education/Training Management System (ETMS). The system was established to provide data to Command Training and Resources Managers for development of long-term training plans and programs, and track progress toward established goals; to develop and execute centers education and training management plans and evaluation of centers education and training programs; to provide centers acquisition professional development managers with resources to compare acquisition certification requirements with work force qualifications, manager training requirements, and courses completed related to acquisition certification. (1996)

N01740-1, Family Dependent Care Program. The system was established to ensure family members are cared for during deployments, reserve mobilizations, temporary duty, etc., and that arrangements are in place for the financial well-being of family members covered by the Family Care Plan during separations. (1996)

S200.60 DD, Chaplain Care and Counseling Records. The system was established to document spiritual and personal counseling and assistance given to DLA personnel and their families. (1996)

S322.15 DMDC, Defense Incident-Based Reporting System (DIBRS). The system was established to provide a single central facility within the Department of Defense (DoD) which can serve as a repository of criminal and specified other non-criminal incidents which will be used to satisfy statutory and regulatory reporting requirements, specifically to provide crime statistics required by the Department of Justice (DoJ) under the Uniform Federal Crime Reporting Act; to provide personal information required by the DoJ under the Brady Handgun Violence Prevention Act; and statistical information required by DoD under the Victim's Rights and Restitution Act; and to enhance DoD's capability to analyze trends and to respond to executive, legislative, and oversight requests for statistical crime data relating to criminal and other high-interest incidents. (1996)

T7332, Defense Debt Management System. The system was established for the administrative management and collection of all delinquent debts, including past due loan payments, overpayments, fines, interest, penalties, fees, damages, leases, sales of real or personal property, etc., due to the DoD and debts due to other Federal departments and agencies of the U.S. Government that may be referred to the DoD for collection. (1996)

- DHA 08, Health Affairs Survey Data Base. The system was established to improve quality, efficiency and cost effectiveness of Military health care services. (1997)
- DC3I 01, Joint Reserve Intelligence Planning Support System (JRIPSS). The system was established to provide the Joint Staff, Combatant Commands, DoD intelligence organizations, and the Reserve Components a means to more adequately assess the intelligence and language capabilities of Reserve Component personnel and to identify individuals possessing the requisite skills to fulfill operational requirements or missions. (1997)
- F168 AF SG G, Reporting of Medical Conditions of Public Health and Military Significance. The system was established to permit records to be used for ongoing public health surveillance the systematic collection, analysis, and interpretation of outcome-specific data for use in the planning, implementation, and evaluation of public health practice within the Air Force. (1997)
- HDSWA 017, Voluntary Leave Sharing Program Records. The system was established to manage the Defense Special Weapons Agency (DSWA) Voluntary Leave Sharing Program. (1997)
- HDSWA 018, Travel Management Program. The system was established to maintain an official travel record authorization and payment file system. Provides management information for control of travel expenditures, supports documentation requirements, and provides reimbursement accounting for persons on official travel. (1997)
- N05420-1, Field Naval Aviator Evaluation Boards (FNAEB). The system was established to maintain a database of all naval aviators who have had a Field Naval Aviator Evaluation Board (FNAEB) conducted and to maintain copies of FNAEB reports. (1997)
- N01650-1, Awards Information Management System and Records. The system was established to maintain a database of military personal awards and unit awards. (1997)
- RDCAA 215.1, entitled Voluntary Leave Transfer Program. The system was established to manage the DCAA Voluntary Leave Transfer program. (1997)
- S400.20 CA, Day Care Facility Registrant and Applicant Records. The system was established to collect information required to manage and administer a day care program. (1997)

Exempt:

DFMP 26, Vietnamese Commando Compensation Files. The system was established to allow records collected and maintained by the Vietnamese Commandos Compensation Commission to validate claims of commandos or their survivors for compensation subject to section 657 (c) of Pub.L. 104-201, Payments to certain persons captured and interned by North Vietnam. (1997)

7. A brief description of any public comments received on agency Privacy Act publication and implementation activities, and agency response.

No comments were received during this reporting cycle.

ITEM 8	ACCESS REQUESTS.	1996	1997
1	Total number of requests for access	88,207	81,314
2	Number granted in whole	76,094	71,085
3	Number granted in part	5,707	6,181
4	Number wholly denied	1,908	709
5	Number for which no record was found	3,038	2,580

ITEM 8	ANTENDVIENT RECOURSING	1996	** 1997/
6	Total number of requests to amend records in the system	292	296
7	Number granted in whole	133	197
8	Number granted part	46	23
9	Number wholly denied	73	76

ITEM 8	APPEARS OF DENIALS OF ACCESS	381996 38	1997/99
10	Total number of appeals of denials of access	143	111
11	Number granted in whole	46	19
12	Number granted in part	30	24
13	Number wholly denied	27	53
14	Number for which no records were found	37	10

ITEM 8	APPEALS OF DENIALS OF AMENDMENT	1996	1997
15	Total number of denials of amendment	10	13
16	Number granted in whole	0	0
17	Number granted in part	3	0
18	Number wholly denied	8	11

9. Number of instances in which individuals brought suit under section (g) of the Privacy Act against the agency and the results of any such litigation that resulted in a change to agency policies or practices.

During the reporting period, 8 suits were brought against the Department of Defense or its components. None of the suits resulted in any changes to existing DoD component policies or practices.

10. Description of the results of reviews undertaken in response to the following:

- a. Section (m) contracts. Of those DoD components maintaining section (m) contracts, some components conducted full or partial reviews of existing contracts. The subject reviews disclosed that the contracts complied with current statutory and regulatory requirements, to include having the required Federal Acquisition Regulation (FAR) clauses regarding the Privacy Act (i.e., 52.224-1 and 52.224-2).
- b. Record keeping practices. The DoD components generally monitored their record keeping policies and practices, to ensure that they were consistent with statutory, OMB, National Archives and Records Administration, and agency guidelines regarding records maintenance and disposition. Where random surveys were conducted, component record systems were found to be in compliance with pertinent authority. Where not, the component initiated corrective action. Resource limitations, however, impacted on the ability of some components to conduct more extensive reviews.
- c. Routine use disclosures. The DoD components were especially sensitive to the statutory requirement that any proposed use of the information outside the agency must be compatible with the purpose for which the information was collected by the component. Generally, of the routine uses reviewed, they were found to have met the statutory compatibility requirement. Many recently published routine uses were driven by legislation which necessitated the establishment of a new use in order to carry out the Congressional mandate.
- d. Exemption of systems of records. Of the components which have exempt record systems, reviews were conducted to determine whether the claimed exemptions were still required and needed. The components concluded that their exempt systems were justified. On the rare occasion when an exemption was claimed for an existing or new system of records, a detailed review of the exemption was conducted so as to ensure that statutory

requirements were satisfied. This was especially true if the exemption involved an exemption other than 5 U.S.C. 552a(k)(1) (classified information). When a component determined that an exemption was no longer needed, action was taken to delete it.

e. System of records notices. As appropriate and warranted, DoD components took action to change pertinent system notices so as to ensure that they were consistent with statutory requirements. During the reporting period, the following additions/deletions/alterations/amendments were made, all of which were properly published in the Federal Register.

For 1996, 6 systems of records were added, 3 systems of records notices were deleted, 102 systems of records notices were amended, and 3 systems of records notices were altered.

For 1997, 10 systems of records were added, 7 systems of records notices were deleted, 99 systems of records notices were amended, and 21 systems of records notices were altered.

11. A description of the agency Privacy Act training.

The DoD components continue to be creative in their training efforts, using diverse approaches and tools in training the workforce in an effort to educate and sensitize its personnel as to the requirements of, and the protections provided by, the Privacy Act. Some components offered not only general training to their employees, but specialized training to personnel performing discrete functions, such as inspector generals, judge advocates (military attorneys), record managers, and Privacy Act officials. Where training of component Privacy Act officials is concerned, some components relied solely on in-house training, outside training, or both. A number of components cited Privacy courses offered by the Department of Justice and the Office of Personnel Management as an excellent means of providing training to their privacy personnel. Outside the Government, the American Society of Access Professionals (ASAP) continued to be used by components as a means of providing privacy training to their personnel. ASAP training, which is conducted thrice yearly, always has significant numbers of DoD personnel in attendance. Many components prepared Privacy Act materials or utilized recurring component publications as part of their overall effort to educate their personnel in this critical and sensitive area. Components continued to widely use the DoD training video which was created some years ago. Though dated, its contents are as relevant today as it was then. One component has developed its own training film. Some components have provided privacy information to their personnel through internal websites (and one permits the employee to ask privacy related questions) and two components have established public webpages regarding their

privacy programs that not only serve to educate their personnel, but provides a means by which the general public is educated as well.

DEPARTMENT OF DEFENSE Biennial Computer Matching Activity Report For Calendar Years 1996 and 1997

1. Defense Data Integrity Board Members:

Chairman: Mr. D. O. Cooke, Director, Administration and Management, Office of the Secretary of Defense, 1950 Defense Pentagon, Washington, DC 20301-1950. Telephone (703) 695-4436.

Acting Executive Secretary: Mr. Vahan Moushegian, Jr., Acting Director, Defense Privacy Office, 1941 Jefferson Davis Highway, Suite 920, Arlington, VA 22202-4502. Telephone (703) 607-2943. E-mail Vahan.Moushegian@osd.pentagon.mil (Replaced Mr. Aurelio Nepa, Jr.)

Colonel James R. Moore, Jr., Headquarters, Department of the Army, ODCSPER, Information Management Officer, ATTN: DAPE-ZXI, 300 Army Pentagon, Room 2D749, Washington, DC 20310-0300. Telephone (703) 695-6432. (Replaced Ms. Linda Dean)

Mr. Harry J. Loeper III, Director, OPNAV Services and Security Division, Department of the Navy, (OP-09B3), 2000 Navy Pentagon, Washington, DC 20350-2000. Telephone (703) 695-4253.

Mr. Bao T. Nguyen, Acting Chief, Corporate Information Division, HQ AFCIC/ITC, 1250 Air Force Pentagon, Room 4A1088e, Washington, DC 20330-1250. Telephone (703) 614-7610. (Replaced Colonel Edward A. Collins)

Colonel Paul L. Black, AF/JAG, Director, Legislation and Legal Policy, ODUSD (Requirement & Resources/LL), OUSD(P&R), 4000 Defense Pentagon, Room 4C763, Washington, DC 20301-4000. Telephone (703) 697-3387. (Replaced Colonel Thomas G. Abby)

Mr. Thomas E. Bozek, Director for Planning and Strategy, C³IA, 6000 Defense Pentagon, Room 3E243, Washington, DC 20301-6000. Telephone (703) 614-1779. (Replaced Samuel J. Worthington)

Mr. Stewart F. Aly, Associate Deputy General Counsel (Legal Counsel), 1600 Defense Pentagon, Washington, DC 20301-1600. Telephone (703) 697-2714.

Ms. Shirley J. Landes, Chief, FOIA/PA Office, Office of the Assistant Inspector General for Administration and Information Management, 400 Army Navy Drive, Room 405, Arlington, VA 22202-2884. Telephone (703) 604-9792. (Replaced Ms. Nadine Dulacki)

Mr. Robert S. Drake, Director, Information Operations and Reports, Washington Headquarters Services, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302. Telephone (703) 746-0334.

Mr. Kenneth C. Scheflen, Director, Defense Manpower Data Center, 1600 N. Wilson Boulevard, Suite 400, Arlington, VA 22209-2593. Telephone (703) 696-5816.

2. Matching Programs in Effect During CYs 1996 and 1997:

REPORTING/	TITIE OF	MATCHING	PURPOSE	PUBLICATION	FEDERAL
SOLID SOLID	MATCH	ACENCY		DATE	REGISTER
AGENCY					NOTICE
Department of	Mont qomery G1	Department of	To verify that individuals meet the conditions of	0661/90/60	55 FP 36749
16-1 cm:cc		Veterans	military service and eligibility criteria for payment of		
	Eligibility	Aftairs	benefits determined by the VA under two enacted	re-issued	6.0 FR 10896
7			programs.	02/28/1995	
DAY DAY				re-issued	62 FR 58779
י וויסופין מוויס				10/30/1997	

FEDERAL REGISTER NOTICE	55 FR 28808 58 FR 61077	58 FR 64442	61 FR 49118	55 FR 28810 58 FR 61074	58 FR 64442	61 FR 32778	FR FR	55 FR 29397 58 FR 29397 62 FR 41028
PUBLICATION DATE	07/13/1990 re-1ssued 11/19/1993	correction re-issued 12/07/1993	re-issued 09/18/1996	07/13/1990 re-issued 11/19/1993	correction re-issued 12/07/1993	re-issued 06/25/1996	09/28/1990 re-issued 12/13/1994 expired 07/12/1997	9/28/1990 re-issued 05/20/1993 re-issued 07/31/1997
PURPOSE	To identify and locate any matched Federal personnel, employed or retired, who owe delinquent debts to the Federal government under certain programs administered by Education.			To verify information of applicants for, and recipients of, Supplemental Security Income payments with respect to determination of eligibility and calculating payment amounts.			To identify individuals who are improperly receiving military retired pay and (1) credit for military service in their civil service annuities, or (2) annuities based on the "guaranteed minimum" disability formula.	To identify civil service annuitants (including disability annuitants under age 60) who are reemployed by DoD. Match insures that (1) annuities of DoD reemployed annuitants are terminated where applicable, and (2) salaries are correctly offset where applicable.
SOURCE	Department of Education			Social Security Administration			Office of Personnel Management	Office of Personnel Management
TITLE OF MATCH	Debt Collection			Verification of Eligibility			Retired Military Pay	Reemployed Annuitants
REPORTING/ MATCHING AGENCY	Department of Defense	OMB MATCH 2		3 CMB MATCH 3			ons match 4	S ONB MATCH 5

FEDERAL REGISTER NOTICE		61 FR 38439	55 FR 50052 60 FR 4154	55 FR 51483 59 FR 15895 62 FR 31799	FR FR	FR FR	55 FR 49409 58 FR 47127	.56 FR 65727 60 FR 57697		58 FR 53718 62 FR 45634
PUBLICATION DATE	11/28/1990 re-issued 09/22/1993	re-issued 07/24/1996	12/04/1990 re-issued 01/20/1995 expired ¹	12/14/1990 12/14/1990 re-issued 04/05/1994 re-issued 06/11/1997	02/22/1991 re-issued 03/1/1994 re-issued 12/06/1996	04/05/1991 re-issued 03/11/1996	11/28/1990 re-issued 09/07/1993 expired 04/07/1996	12/18/1991 re-issued 11/17/1995	02/14/1992 re-issued 01/20/1995 re-issued 10/23/1997	10/18/1993 re-issued 08/28/1997
PURPOSE	To identify and locate any matched Federal personnel, employed or retired, who owe delinquent debts to the Federal government under certain programs administered by Treasury.		To identify and locate any matched Federal personnel, employed or retired, who owe delinquent debts to the Federal government under certain programs administered by HUD.	To identify and locate any matched Federal personnel, employed or retired, who owe delinquent debts to the Federal government under certain programs administered by DVA.	To identify and locate any matched Federal personnel, employed or retired, who owe delinquent debts to the Federal government under the Food Stamp program administered by Agriculture.	To identify disability recipients who return to active duty and are therefore ineligible to receive Veterans Affairs compensation.	To identify and locate any matched Federal personnel, employed or retired, who owe delinquent debts to the Federal government under certain programs administered by Defense agencies.	To identify and locate any matched Federal personnel, employed or retired, who owe delinquent debts to the Federal government under certain programs administered by the Railroad Retirement Board.	To identify and locate any matched Federal personnel, employed or retired, who owe delinquent debts to the Federal government under certain programs administered by the Small Business Administration.	To identify and locate any matched Federal personnel, employed or retired, who owe delinquent debts to the Federal government under certain programs administered by the National Science Foundation.
SOURCE	Department of Treasury, Bureau of Public Debt		Housing and Urban Development	Department of Veterans Affairs	Department of Agriculture	Department of Veterans Affairs	Defense/ Washington Headquarters Services	Railroad Retirement Board	Small Business Administration	National Science Foundation
TITLE OF MATCH	Debt Collection		Debt Collection	Debt Collection	Debt Collection	Disability Compensation Verification	Debt Collection	Debt Collection	Debt Collection	Debt Collection
REPORTING/ MATCHING AGENCY	6 ОМВ MATCII 6		r r hotem ewo	SOME MATCH 8	CMB MATCH 9	.10 OKB MATCH 11	ONB MATCH 16	II OMB MATCH 19	:3 CMB MATCH 20	14 ОИВ МАТСН 24

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A matching agreement was executed in Calendar Year 1998.

3. For each matching program, an indication of whether the cost/benefit analysis performed resulted in a favorable ratio. The Data Integrity Board should explain why the agency proceeded with any matching program for which an unfavorable ratio was reached.

All cost/benefit analyses resulted in a favorable ratio.

4. For each program for which the Board waived a cost/benefit analysis, the reasons for the waiver and the results of the match, if tabulated.

OMB Match 30 - Cost benefit analysis waived. Title 24 U.S.C. section 414(c) provides that the Armed Forces Retirement Home fees shall be fixed as a percentage of Federal payments made to the resident. Verification of Federal payments is required, irrespective of cost, if the Armed Forces Retirement Home is to properly and accurately assess the statutorily mandated monthly fee.

5. A description of any matching agreement the Board rejected and an explanation of the rejection.

None.

6. A listing of violations of matching agreements that have been alleged or identified, and a discussion of any action take.

None.

7. A discussion of any litigation involving the agency's participation in any matching program.

None.

8. For any litigation based on allegations of inaccurate records, an explanation of the steps the agency used to ensure the integrity of its data as well as the verification process it used in the matching program, including an assessment of the adequacy of each.

None.